

REMARKS

This responds to the Office Action mailed on January 13, 2006, and the references cited therewith.

Claims 1, 16, 26, and 31-33 are amended, no claims are canceled, and no claims are added; as a result, claims 1-45 are now pending in this application.

§103 Rejection of the Claims

Claims 1-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Narashimhalu et al (U.S. 5,499,298, hereinafter, "Narashimhalu") in view of Colosso (U.S. 6,169,976, hereinafter, "Colosso").

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of obviousness for at least the reason that neither Narashimhalu nor Colosso, alone or in combination teaches or suggests every element of the independent claims, as alleged in the current Office Action.

Narashimhalu discusses controlling the dissemination of digital information. One method describes distribution of the digital information using an "off-line" scheme where the transmission channel is any kind of non-volatile storage medium such as a floppy disk, hard disk, optical disk, etc. (col. 5, ln 26-31) and the other method is an "on-line" method. (col. 8, ln. 25-37) In either case, a Sealed Control information (COIN) is used to control access to digital information located in the COIN structure. The COIN includes an encrypted header of encryption keys and access information (e.g., legal accesses allowed (LAL), etc.), and encrypted body representing the information the consumer wants to access.

The current Office Action repeats in part the previous Office Action in that it indicates transmitting a license from a server to a secure device for storage, the license containing a product key of a watercrypted content and a client identifier as being disclosed by Figure 2, column 5, lines 35-50, "the header of the COIN structure contains a signature field equivalent to a client identifier." (Office Action (OA), pg. 2)

Applicant respectfully disagrees for the same reasons as discussed with respect to the previous Response, which reasons were not addressed in the current Office Action. Namely, in

Narashimhalu, the signature field (or any other header field) of the COIN's header referred to in the Office Action is not a client identifier, as recited in claim 1. The medium signature 36 of Narashimhalu is defined as, "any scheme which allows a distribution medium, such as a floppy disk, to have a unique identification. Preferably, this signature depends upon the characteristics or nonuniformities of the distribution medium." (col. 5, ln. 49-52) Thus, Narashimhalu merely discloses a signature field that identifies a distribution medium (e.g., CDROM, floppy disk, etc.), which is neither a client identifier nor a product key. Please see patent 5,412,718 (specifically, col. 5 ln. 13-16 and col. 6 ln. 22-26) as referenced in Narashimhalu at col. 5 ln. 52-56 for, "an example of a suitable medium signature."

The Office Action indicates, in a contradictory statement to that statement referenced above (OA, pg. 2, last para and pg. 3, 3rd para), that Narashimhalu does not explicitly disclose a product key of a waterencrypted content and a client identifier, but that Colosso discloses these elements at col. 15, ln. 1-18. However, this citation in addition to the rest of Colosso, does not disclose those features. Colosso discusses providing a method to activate a licensed software product that includes providing an encrypted activation key to a customer that has installed the product (col. 12, ln. 65-67 to col. 13, ln. 1-6). The activation key and its associated fields are described at col. 15, ln. 1-18, as cited by the Office Action. Although one field includes the name of the purchased product (installed software), it, or any other disclosed field, is not a product key of a waterencrypted content or a client identifier, as recited in claim 1 of the present application.

Therefore, neither Narashimhalu nor Colosso, alone or in combination, disclose a product key of a waterencrypted content and a client identifier as recited in claim 1.

Furthermore, Narashimhalu does not disclose:

transmitting a license from a server to a secure device for storage, the license containing a product key of a waterencrypted content and a client identifier;
transmitting via an electronic network an entitlement control message containing a plurality of content keys associated with said waterencrypted content to said secure device;

transmitting a request to provide a session content key from said plurality of content keys, said session content key to be used to decrypt said waterencrypted content, and receiving said session content key from said secure device in response to said request; and

receiving said session content key from said secure device in response to said request.

(emphasis added)

Narashimhalu merely provides the COIN, which includes access information that may be decoded to determine permissions to access and decrypt information in the body of the provided COIN. In the “offline” method of Narashimhalu cited in the Office Action, the COIN is on the medium (e.g., floppy disk) and may be altered and saved according to access permissions for future access by the consumer.

At best, and not cited by the Office Action, Narashimhalu may transmit the COIN “on-line.” However, as with the “off-line” method, Narashimhalu does not transmit a license, does not transmit a request for a session key and does not receive a session content key from the secure device. In summary, combining the teachings of Colosso, whose focus is on providing encrypted activation keys to consumers that have installed software, with those of Narashimhalu does not render claim 1 obvious for the reasons set out above. Therefore, claim 1 and all claims dependent therefrom are patentable over the cited art.

The arguments provided above with respect to claim 1 also apply to independent claims 11, 16, 26, 31, 32 and 33. Because dependent claims include all the limitations of the claims from which they depend, the dependent claims of claims 11, 16, 26, 31, 32 and 33 are also patentable over Narashimhalu alone or in combination with Colosso.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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Date 5/13/2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15th day of May, 2006.

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